

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS PENSION FUND,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 06 C 3203
)	
BILL LAKE BUICK, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Just over two months after the issuance of this Court's September 18, 2006 memorandum order ("Order"), defendant Bill Lake Buick, Inc. ("Bill Lake") has filed what it labels as its "Partial Amended Answer to Plaintiffs' Complaint as to Count I." This sua sponte memorandum order is triggered by what appear to be some questionable contents of that responsive pleading.

In part the Order had pointed to certain paragraphs of Bill Lake's original Answer that had failed to follow the express disclaimer roadmap marked out by the second sentence of Fed. R. Civ. P. ("Rule") 8(b). But that was not an invitation to Bill Lake's counsel simply to cure the language of those Answer paragraphs, without giving careful attention to whether those disclaimers could be made in the objective good faith demanded by Rule 11. For example, in that respect it is difficult to credit the current assertion by Bill Lake that it lacks knowledge or information sufficient to form a belief as to whether it even

executed a specified agreement (Amended Answer ¶9), or as to the content of that agreement (Amended Answer ¶10), or as to whether it filed reports regarding its employees' work history to the Pension Fund (Amended Answer ¶13).¹

Accordingly the Partial Amended Answer will be stricken unless Bill Lake's counsel promptly submits a filing that supports the bona fides of the several disclaimers contained in that pleading. In the absence of such a filing on or before December 8, 2006, all of the paragraphs of the Complaint that correspond to the provisions of the Amended Answer referred to either in the text of this order or in its n.1 will be deemed to have been admitted.



Milton I. Shadur
Senior United States District Judge

Date: November 27, 2006

¹ What has been said in the text may be true as well with respect to the claimed disclaimers regarding Pension Fund provision (Amended Answer ¶¶11, 12 and 14). Bill Lake's counsel must also look into those matters.